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From: Charles E. Runyan, Esq.

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Re: Our File: 50623.26 - 09/748,412

Message:

Ms. McDermott, you are being copied on this communication. Please see attached.

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PATENT
Attorney Docket No.: 50623.00026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wouter E. Roorda	Examiner: H. Phan
Serial No.: 09/748,412	Art Unit: 3738
Filed: December 21, 2000	
Title: Device And Active Component For Inhibiting Formation Of Thrombus-Inflammatory Cell Matrix	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

COMMUNICATION

Dear Examiner Phan:

This letter continues our conversation of last week. I set out below the issues I wish to discuss in the interview I have requested.

Drawing requirement

Fearnot reference

Fearnot does not teach a component for reducing the formation of thrombi OVER a component for reducing infiltration of macrophages in the thrombi. Fearnot may teach a structure with multiple layers of biomaterials but it does not teach this selection criteria.

Fearnot's disclosure nowhere teaches an active component mixed with any polymer, nor the specific polymers recited in claim 12. Furthermore, NOWHERE in the record does the Examiner allege that it so teaches.

PATENT
Attorney Docket No.: 50623.00026

Therefore, anticipation has not been established.

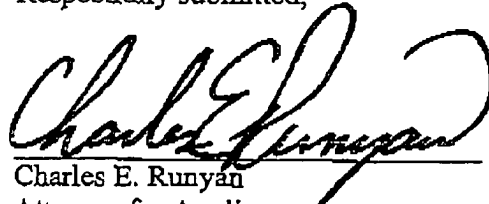
Fearnot does not teach a component for reducing the formation of thrombi OVER a steroidal or non-steroidal anti-inflammatory substance, as is recited by claims 18-19.

Fearnot does not teach a component in which polytetrafluoroethylene and a material that reduces or prevents the formation of thrombi are mixed.

You were clear that you would not grant an interview, if its only purpose was to rehash old arguments. I think the listing above demonstrates that there are new issues to discuss at least for some of the dependent claims. If you do not concur, I, nonetheless, urge you to grant the interview. At this point, the record is such that if I were to prepare an appeal brief, the case would likely be returned from the board for further prosecution. I would prefer to avoid that expense and time for my client.

I will call you on June 14, 2004, to see about setting up an interview time if you are willing.

Respectfully submitted,



Charles E. Runyan
Attorney for Applicants
Reg. No. 43,066

Date: 10 June 2004

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